

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
Northern Division

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Robert Andrew Wermuth,  
# 189991,

\*

Plaintiff,

\*

-vs-

\*

Shannon Carroll Young Blood,  
et. al.,

\*

Defendants.

\*

Case Number:

\* 2:05 cv 644

\*

\*

\*

Motion for Enlargement of Time

Comes now, the Plaintiff, Pro-Se, herein  
and above named in the above styled and  
numbered case, with inmate para-legal  
assistance and hereby moves this Honorable  
Court to entertain and grant this instant  
"Motion" for the following causes, to wit:

I.

INTRODUCTION

Plaintiff hereby files this instant motion  
pursuant to F.R.Civ.P., Rule # 6 (b) and  
hereby invokes said Rule as jurisdiction for the  
Honorable Court to entertain and grant this  
instant "motion".

II.

Grounds In Support of  
Granting This Motion

Grounds # 1:

Plaintiff shows to this Court that on 8-31-05 this Court issued an "Order" Ordering the Plaintiff to respond by 09-14-05

Plaintiff shows to this Court that he did not receive said "Order" until the evening of 09-01-05

Grounds # 2:

Once said "Order" was received Plaintiff was not able access the law library for the first time until 09-02-05.

Grounds # 3:

Said Law Library was closed on 09-03-05, 09-04-05, and 09-05-05.

Grounds # 4:

Because Officer Jennings, the gym officer is on vacation coupled with shortages of officers the law library was closed on several different occasions from 09-06-05 to 09-09-05, as said law library officer had to close the law library to help count and feed inmates.

Gounds # 5:

The law library was open for one (1) hour to the Plaintiff and his inmate para-legal 09-10-05 and closed the afternoon of 09-10-05 until the afternoon of 09-13-05.

Gounds # 6:

Plaintiff is being assisted by inmate para-legal as plaintiff has poor reading skills and low comprehensive and analytical skills and no training in law or ~~as~~ how to research law.

Gounds # 7:

Plaintiff's inmate para-legal lives in another dorm and for security reasons all dorms cannot have yard, gym, law-library together.

Hence, it may be several days before Plaintiff and his para-legal can work together.

Coupled with the tentative and minuscule law library hours of the past (10) days Plaintiff and his para-legal have had little time to respond to the Defendant's Response.

Gounds # 8:

Plaintiff shows to this Court he received this Court's Order on 09-01-05, but his first access to the law library was 09-02-05

From 09-03-05 to 09-06-05 the law library was closed.

From the afternoon of 09-10-05 to 09-13-05 the law library was/will be closed. Hence, a total of (6 1/2) days or (14) were lost to the Plaintiff.

During the week of 09-06-05 to 09-09-05 Plaintiff and his para-legal were only able to access the law library together for approximately (2) hours.

The law library will not open again, hopefully on the afternoon of 09-13-05, not enough time to research, prepare, and mail a response to the Court and the defendants.

Ground #9:

also, the Law Library Books are shared with prisoners in Dorm # 5 and #6 who are on lockdown, hence; several of the books Plaintiff needed for \* research (i.e.-- immunity, etc.), thus; further hindering the Plaintiff and para-legal to \* research and prepare his response.

Ground #10:

Also, Plaintiff has reserved the right to add additional defendants, and from Defendant's reports, Plaintiff will be amending Defendants.

Grounds #11:

also, from Defendant's Response, Plaintiff will be filing a dismissal of one defendant and amending one defendant's role to a lesser participation.

III

Conclusion and Prayer for Relief

WHEREFORE PREMISES SHOWN; and pursuant to F.R.C.V.P., Rule #6(b), Plaintiff prays for an additional (14) days through 09-28-05 for ~~additional~~ additional time to properly prepare his response to the Defendant's Response to give this Court as much information as possible to make a fair and just adjudication to this instant case at bar.

Plaintiff further prays for any further relief this Court deems just, proper, and necessary.

Executed this the 10<sup>th</sup> day of September, 2005.

I hereby affirm pursuant to 28 U.S.C., § 1746, et seq., the foregoing is true and correct under penalty of perjury.

Respectfully Submitted,

X  
ROBERT A. WERMUTH  
PLAINTIFF, Pro se

Certificate of Service

I hereby certify that I have served upon the Defendant's attorney a copy of the foregoing by placing same in the United States mail Box, located at Easterling Correctional Facility, postage prepaid, and, addressed correctly.

Executed this the 10<sup>th</sup> day of September, 2005.

x Robert Wenmuth

Robert A. Wenmuth,

Plaintiff, Pro-se

Address of Plaintiff:

Robert Andrew Wenmuth, Pro-se  
Easterling Correctional Facility  
ECF # 189991 # Dorm - C/B-38  
200 - Wallace Drive  
Clay, ALABAMA 36017-2615

In Lieu of a Notary Public

Due to the lack of a Notary Public and pursuant to 28 U.S.C. § 1746, et. seq. Plaintiff hereby provides (2) witnesses who hereby witness the Plaintiff sign and mail this motion under Penalty of Perjury.

Witness: Pat Reddick

Date: 09-10-05

Witness: John A. Ward # 300807

Date: Sept 10, 2005